

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
NO: 4:08-CR-00035-BR

UNITED STATES OF AMERICA

v.

THERESA MCNEAL LANCASTER

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ORDER

This matter is before the court on defendant's *pro se* motion filed 19 January 2012. Defendant requests that the court "pardon, excuse, and or consider the remainder of [her] sentence." In essence, defendant requests that the court commute or reduce her sentence of imprisonment to time served for humanitarian reasons (i.e., to take care of her ailing mother and her eleven year old child with special needs). This court does not have the authority to reduce defendant's sentence under these circumstances. See 18 U.S.C. § 3582(c) (court may only modify a term of imprisonment (1) upon motion of the Bureau of Prisons; (2) "to the extent otherwise expressly permitted by statute or by Rule 35 of the Federal Rules of Criminal Procedure"; or (3) when the Sentencing Commission has retroactively lowered the applicable sentencing range). Furthermore, the courts do not have the power to pardon. See U.S. Const. art. II, § 2, cl. 1 ("[The President] shall have Power to grant Reprieves and Pardons for Offenses against the United States except in Cases of Impeachment."). Defendant's motion is DENIED.

This 27 February 2012.



W. Earl Britt
Senior U.S. District Judge